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MATT BLUNT

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March 17, 2003	April 15, 2003	April 30, 2003	May 30, 2003

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the web site at <http://www.sos.state.mo.us/adrules/pubsched.asp>

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.



FROM THIS ANGLE...

Rule Tips – Do you have one you wish to share?

You may recall that on the back page of the *Missouri Register* we are listing our "top ten" list of rulemaking tips – these are being placed on upcoming editions of the *Register* to assist you, our rule makers! If you have a rule tip you might wish to share, e-mail us at www.rules@sosmail.state.mo.us and give us your tip!

Amendment “Stacked” on Amendment

We have been experiencing some confusion regarding amendments to rulemakings. Many agencies want to amend the same section of *Code* before the amendment currently in process is effective. Amendments made to rules need to begin with the text of the rule as printed in the *Code of State Regulations*. If you are amending a section in *Code*, and your amendment is still in the process, has not yet been printed in *Code*, and has not been allowed to sit the requisite 30 days required by the statutes to become effective, *that same section* **may not be amended** until the amendment in process becomes effective. Clearly, an amendment on a version of the rule that is not yet effective cannot be accepted for publication. Therefore, we will not accept “stacked” amendments.

Emergency Rulemakings Now Posted on Homepage of our Website

Our office has adopted a new procedure of posting all emergency rulemakings which are filed, and not yet published in the *Missouri Register*, on the homepage of our website at www.sos.state.mo.us. We believe this will provide more immediate access to emergency rulemakings, whether they are emergency rules or emergency amendments. Typically once an emergency rulemaking is published, it is already effective. We believe this will serve to better inform Missouri citizens of emergency rulemakings that are in the process.

Reorganizing?!

If your department or division is reorganizing, or if the name of your department or division is changing, please be sure to check your rules and make the requisite changes to your rulemakings as well!

Timelines – Need Help?

We have some rule makers who are having difficulty in calculating or counting their days for filing. If you need assistance with your timelines, or simply want us to double-check your counting, please call our office or come by and we will be happy to help. Additionally, you might want to utilize the calendars in the back of your rulemaking manual, *Rulemaking 1-2-3, Missouri Style*, located behind the amber-colored tab entitled “Calendars and Timelines”. These calendars will assist you with regular days and also the option of counting legislative days.

Please contact us if we may assist you in any way with the rulemaking process.

A handwritten signature in cursive script, appearing to read "Lynne".

Lynne C. Angle
Director, Administrative Rules

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 2—DEPARTMENT OF AGRICULTURE Division 90—Weights and Measures Chapter 20—Methods of Sale for Products

EMERGENCY AMENDMENT

2 CSR 90-20.040 NIST Handbook 130, "Uniform Regulation for the Method of Sale of Commodities." The director is amending section (1).

PURPOSE: The purpose of this emergency amendment is to eliminate the method of sale regulation related to gasoline-oxygenate blends for retail motor fuel dispensers until a permanent rule rescinding the requirement becomes effective.

EMERGENCY STATEMENT: During the 2002 legislative session House Bill 1348 and Senate Bills 984 and 985 were passed amending Chapter 414, RSMo and repealing the labeling requirements for fuels containing alcohol and other oxygenates. The current rules promulgated under Chapter 413, RSMo require labeling of oxygenates and are inconsistent with the Chapter 414, RSMo and legislative intent. This has created a confusing situation for marketers of those motor fuels containing oxygenates and can cost the marketers in acquiring additional pump labels. This emergency amendment will temporarily eliminate the dispenser labeling requirement until a permanent rule can rescind the current labeling requirement. The Department of Agriculture believes this emergency amendment is

necessary and is fair and equitable to all affected persons and parties. Emergency amendment filed August 30, 2002, effective September 10, 2002, expires March 9, 2003.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material. This handbook can be accessed at the NIST website at www.nist.gov/own.

(1) The rule for the Division of Weights and Measures for method of sale of commodities shall incorporate by reference the section of the *NIST Handbook 130*, [2000] 2002 edition, entitled "Regulation for the Method of Sale of Commodities/.", except for section 2.20 related to gasoline-oxygenate blends.

AUTHORITY: section 413.065, RSMo [Supp. 1999] 2000. Original rule filed May 9, 1984, effective Aug. 11, 1984. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Aug. 30, 2002, effective Sept. 10, 2002, expires March 9, 2003. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Title 2—DEPARTMENT OF AGRICULTURE Division 90—Weights and Measures Chapter 30—Petroleum Inspection

EMERGENCY AMENDMENT

2 CSR 90-30.040 Quality Standards [F]for Motor Fuels. The director is amending section (2).

PURPOSE: The purpose of this emergency amendment is to eliminate the current alcohol labeling requirement for retail motor fuel dispensers until a permanent rule rescinding the requirement becomes effective.

EMERGENCY STATEMENT: During the 2002 legislative session House Bill 1348 and Senate Bills 984 and 985 were passed amending Chapter 414, RSMo and repealing the labeling requirements for fuels containing alcohol. The current rule promulgated under Chapter 414, RSMo requires labeling and is inconsistent with the statute. This has created a confusing situation for marketers of those motor fuels containing alcohol and can cost the marketers in acquiring additional pump labels. This emergency amendment will eliminate the pump labeling requirement until a permanent rule on labeling is in place. The Department of Agriculture believes this emergency amendment is necessary and is fair and equitable to all affected persons and parties. Emergency amendment filed August 30, 2002, effective September 10, 2002, expires March 9, 2003.

(2) Method of Sale of Gasoline-Alcohol Blends.

[(A) Method of Retail Sale. Notwithstanding any rule to the contrary, all motor fuel kept, offered or exposed for sale, or sold at retail containing at least one percent (1%) by volume of any alcohol shall be identified as such using the word contains or other wording approved by the director, in conjunction therein, the maximum volume percentages to the nearest

whole percent and the name of each alcohol additive on the upper fifty percent (50%) of the dispenser front panel in a position clear and conspicuous from the driver's position, in a type at least one-half inch (1/2") in height, one-sixteenth inch (1/16") stroke (width of type).

Examples:

CONTAINS 10% ETHANOL

CONTAINS ALCOHOL

5% METHANOL

5% TERTIARY BUTANOL

(B) *Documentation for Dispenser Labeling Purposes.* **At the time of delivery,** *[T]he retailer must be provided [at the time of delivery of the fuel on] an invoice, bill of lading, shipping paper or other documentation, by the supplier and/or carrier,* the presence and maximum amount of ethanol, methanol or any type of alcohol (in terms of percent by volume) contained in the fuel. *[This documentation is only for dispenser labeling purposes; i]* **It** is the responsibility of any potential blender to determine the total oxygen content of the motor fuel before blending.

AUTHORITY: section 414.142, RSMo [Supp. 1993] 2000. This rule was previously filed as 2 CSR 90-30.030. Emergency rule filed Dec. 1, 1987, effective Jan. 1, 1988, expired March 1, 1988. Original rule filed Oct. 16, 1987, effective Feb. 11, 1988. Amended: Filed April 2, 1990, effective June 28, 1990. Emergency amendment filed Aug. 30, 2002, effective Sept. 10, 2002, expires March 9, 2003. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.